

To: Steven Neugeboren[Neugeboren.Steven@epa.gov]; Gautam Srinivasan[Srinivasan.Gautam@epa.gov]
From: Horwitz, Sylvia
Sent: Mon 3/23/2015 9:09:05 PM
Subject: FW: WV coal mining NPDES permit legislation

See below regarding the regulatory revisions – and the process regarding Region 3's receipt/review of those reg, which are expected to be submitted.

Scroll down to the email I sent to Stef Shamet, in which I pasted in the follow-up information that Jim Hecker sent Avi. When I find Avi's email responding to Jim Hecker, I'll forward that to you too.

Sylvia Horwitz

Office of General Counsel

Water Law Office

WJC North 7353H

Phone: 202-564-5511

From: Shamet, Stefania
Sent: Sunday, March 22, 2015 7:43 PM
To: Ferrell, Mark
Cc: Horwitz, Sylvia; Rivera, Nina
Subject: Re: WV coal mining NPDES permit legislation

thanks, Mark

From: Ferrell, Mark
Sent: Friday, March 20, 2015 1:19 PM
To: Shamet, Stefania
Subject: Re: WV coal mining NPDES permit legislation

Stef, regarding this:

Did WV DEP submit their revised 47 CSR §30 rules to EPA for approval as a modification to their approved NPDES program under 40 CFR § 123.62? If so, is there written correspondence about that?

This is the proposed rule DEP sent to region 3 in June 2014 (before the public hearing) and is currently part of their 2015 rule package. DEP sends a copy to EPA Region 3 after they are notified it has signed by the Governor. I discovered it just got to the Governor's desk on Wednesday, so still awaiting his signature (which it will get).

Governor Tomblin has been busy today - vetoed an NRA gun bill and an abortion bill (fyi).

~Mark

From: Shamet, Stefania
Sent: Thursday, March 19, 2015 3:26 PM
To: Ferrell, Mark
Subject: FW: WV coal mining NPDES permit legislation

Can you confirm

From: Horwitz, Sylvia
Sent: Thursday, March 19, 2015 3:24 PM
To: Shamet, Stefania
Subject: RE: WV coal mining NPDES permit legislation

Here's information about the bills that Jim Hecker from Public Justice sent to Avi yesterday:

The relevant provisions of SB 166 were enacted as HB 2283 (pp. 4-5), which was passed by the Legislature on March 12 and became effective on that date. SB 357 was signed by the Governor on March 12 and will become effective on June 1, 2015. The final version of that bill provides that water quality standards “shall not be considered ‘effluent standards or limitations’ for the purposes of both this article and sections 309 and 505 of the federal Water Pollution Control Act and shall not be independently or directly enforced or implemented except through the development of terms and conditions of a permit issued pursuant to this article.” SB 357, p. 20. It also provides that “water quality standards themselves shall not be incorporated wholesale either expressly or by reference as effluent standards or limitations in a permit issued pursuant to this article.” Id. at 22.

Sylvia Horwitz

Office of General Counsel

Water Law Office

WJC North 7353H

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From: Shamet, Stefania
Sent: Thursday, March 19, 2015 2:58 PM
To: Horwitz, Sylvia
Subject: FW: WV coal mining NPDES permit legislation

Still trying to figure out status (and I didn't even have to bug him!)

From: Ferrell, Mark
Sent: Thursday, March 19, 2015 2:54 PM
To: Shamet, Stefania
Subject: Re: WV coal mining NPDES permit legislation

Stef, attached is my list of bills that passed. Still waiting for confirmation on the rules you asked about.

~Mark

From: Shamet, Stefania
Sent: Tuesday, March 17, 2015 11:12 AM
To: Ferrell, Mark
Subject: FW: WV coal mining NPDES permit legislation



From: Horwitz, Sylvia
Sent: Monday, March 16, 2015 1:02 PM
To: Shamet, Stefania
Cc: Srinivasan, Gautam; Messier, Dawn
Subject: WV coal mining NPDES permit legislation

Hi Stef –

Avi Garbow has been contacted by PublicJustice PC, requesting a meeting to discuss the latest in the WV coal mining legislation/regulation developments. [REDACTED]

[REDACTED] The letter is attached – and in it they articulate concerns with the revised regulations implementing SB 615

I

Did WV DEP submit their revised 47 CSR §30 rules to EPA for approval as a modification to their approved NPDES program under 40 CFR § 123.62? If so, is there written correspondence about that?

They are also writing about SB 357 – have you been following this?

I've downloaded the state senate bills and the state revised regulations, which are also attached.

Before Avi can respond to this letter, we'd like to find out what's been going on - we'll also check in with OWM regarding issues of state program authorization. I'm sure others in the region should be brought into this – feel free to forward this to the appropriate folks in the region, and please cc me so 'll know who to include on subsequent communications. I'm cc'ing Dawn Messier as well, because I think coal mining is in her portfolio.

Thanks!

Sylvia Horwitz

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